

NTSB Order No. EA-5022

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 19th day of February, 2003

Respondents.

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On December 8, 2000, respondents Malik and Swaim were flying pilot-in-command and co-pilot, respectively, of an Air Transport International DC-8 ferry flight from Toledo, Ohio, destined to Oscoda-Wurtsmith Airport in Oscoda, Michigan (hereafter, Oscoda). Instead of landing at Oscoda, however, respondents landed at East Tawas Airport, 8 miles to the south. The aircraft weighed approximately 178,000 pounds upon landing, well above the 12,000 pound published maximum landing weight for the runway at East Tawas.³

The two airports (Oscoda and East Tawas) are considerably different physically. Oscoda's Runway 24, on which respondents intended to land, is 300 feet wide and 11,800 feet long. Runway 26 at East Tawas, on which respondents actually landed, is 75 feet wide and approximately 4,800 feet long.⁴ East Tawas is a general aviation airport, whereas Oscoda had at one time been an Air Force base, and still has facilities to accommodate a DC-8 aircraft. There is a VOR/DME on the field at Oscoda.

On appeal, respondents, as before the law judge, continue to

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aircraft so as to endanger the life or property of another. The Administrator here charged respondents with carelessness. Although the Administrator originally sought suspension of their certificates, respondents had filed so-called NASA reports, which the Administrator determined met the requirements necessary to waive imposition of the suspensions.

³ Fortunately, the aircraft did not sink through the pavement because the ground and runway were frozen.

⁴ There is some discussion in the record suggesting that Runway 24 at Oscoda is actually at 245°. See Tr. at 41-42. This is, of course, normal, and the distinction is not material.

argue that they acted prudently and used all available navigational aids. They argue that the fault for their error lies with air traffic control (ATC). We cannot agree.

Respondents have not established that ATC failed in any duty to them. Although the ATC handbook provides that pilots are to be advised of airports in close proximity, respondents did not establish that these two airports were "in close proximity," as that term is used in the handbook. Indeed, respondents' similar argument that the approach plates for these airports should have noted each's proximity is not borne out by the evidence. The most the record establishes is that the commercial airport in El Paso, Texas, for instance, has such a note to distinguish it from a military base 4 miles distant. Tr. at 40-41 and 49.

Respondents also argue that it was ATC's responsibility to "ensure that the location of the destination airport is provided when the pilot is asked to report the destination airport in sight." The Administrator counters that it is impossible to do so when the aircraft is not in radar contact because ATC at that point does not know where the aircraft is. Although respondents urge that, as a cross-check, ATC is obliged to provide the airport's position relative to the aircraft (see Exhibit R-3 at 2), ATC cannot do so if, as occurred here, it does not know where the aircraft is because radar contact has been lost.⁵

⁵ Respondents were in contact with Minneapolis Center before descending below radar coverage. Respondents were advised by ATC that radar coverage had been lost approximately two minutes and forty-five seconds after they reported descending out of eleven
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Respondents' further claim that they should have been told earlier, before contact was lost, is not persuasive.⁶

We cannot find that respondents acted prudently. It is true that East Tawas was along respondents' flight path as they approached Oscoda, that snow covered the runway number at East Tawas, that the airports had some similarities, and that by an unfortunate coincidence the Oscoda Unicom operator advised respondents that a snowplow was on the runway there at the same time they saw a snowplow on the runway at East Tawas. Nevertheless, respondents should have been able to navigate, using all available navigational aids (including the VOR/DME on the field at Oscoda), to the proper airport. There is nothing in this record that demonstrates that respondents could not have availed themselves of the VOR/DME information available to them to determine whether they were approaching the correct airport.⁷ Moreover, respondents should have observed other cues that they

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thousand feet. See Exhibit A-5. Respondents were not cleared for the visual approach until after they had been told by ATC that radar contact had been lost and, subsequently, they reported having Oscoda in sight.

⁶ Moreover, even if respondents were to prevail on this argument, precedent would only provide for sanction mitigation, not dismissal, and the NASA report has already removed the sanction.

⁷ Indeed, even if it is assumed, *arguendo*, that respondents had at their disposal only one VHF navigation radio - a circumstance we are extremely doubtful actually existed - it would follow that had they referenced all information available to them they would have observed, when they tuned from the VOR/DME to the ILS frequency while on downwind (at the wrong airport), a VOR radial and DME reading that was not consistent with where they thought themselves to be.

were approaching the wrong airport. As the Administrator's witness noted, and despite the snow, runway lights would have indicated runway width. Tr. at 34. A 75-foot-wide runway is considerably different from a 300-foot-wide one. Respondents also ignored the differences in appearance between a small general aviation airport and a former Air Force base, with large hangars and tanks (see Exhibit 4 approach plate). Finally, respondents ignored instrument evidence that they were not in the right place (see Tr. at 80; ILS flags came on, respondent Malik believed, because of reception interference from the snowplow). Respondents also ignored the fact that the runway they were landing on was not on the heading provided on the approach plate.

As airline transport pilots, respondents are held to the highest degree of care. It is their responsibility to familiarize themselves sufficiently, before and during flight, with the characteristics of the airport at which they intend to land. And, the visual approach and lack of more sophisticated navigation aids heightens the responsibility imposed on them to locate and land at the intended airport. On the facts of this case, where respondents did not make sufficient use of all available navigational aids, the conclusion that their conduct of the flight was careless was amply established.

ACCORDINGLY, IT IS ORDERED THAT:

Respondents' appeal is denied.

HAMMERSCHMIDT, Acting Chairman, and GOGLIA, BLACK, and CARMODY, Members of the Board, concurred in the above opinion and order.